Oswald appeal planned

Dallas Morn. News 10/2/82

Fort Worth Bureau of The News

FORT WORTH — An attorney for Michael Eddowes said Wednesday the British author will appeal a court order that blocks him from opening the Lee Harvey Oswald grave.

Attorney Cue Lipscomb said Eddowes will urge the Fort Worth Court of Civil Appeals to set aside a temporary order by Dist. Judge James E. Wright.

The order blocks Eddowes from opening the Oswald grave in Rose Hill Cemetery on the east edge of Fort Worth.

Eddowes contends an autopsy would show that a Soviet agent posed as Oswald and that this agent was buried in the grave after he was shot following the 1963 assassination of President John F. Kennedy.

Wright held that the grave should remain undisturbed although Oswald's widow, Marina Oswald Porter, had given Eddowes permission to arrange an autopsy. The jurist said this permission alone was insufficient.

"There may be one complication to an immediate appeal," Lipscomb said. "The appeals court might take the position that it lacked jurisdiction since Wright had not ruled on pleas filed by Rose Hill Cemetery and Dr. Charles Petty, who is the Dallas County medical examiner.

"We believe, however, that Eddowes has grounds for appealing now even though Wright has not resolved issues which involve others."

Should the appeals court accept jurisdiction, it likely would not hand down a decision for at least four months.

The Texas Supreme Court agreed with the appeals court and Wright last week, saying Eddowes lacked standing to force officials to open the grave. But new issues are involved now since Oswald's widow approved exhumation of the body.